

REMARKS

Claims 1-5 are pending in the application upon entry of this amendment. Claims 1 and 2 are amended herein. Entry of this amendment and favorable reconsideration of the application is respectfully requested.

Noted-Allowed Claims

With appreciation, it is noted that the Office Action indicates (see page 1, item 5) claims 3-5 as allowed claims (see page 1, item 5) and claim 2 as allowable (see page 4).

Rejection of claims 1 and 2 under 35 USC 112

With respect to claim 1, the Examiner asserts, at page 2 of the office action, the Specification never claims that the engaging part engages the main body when the internal cap is separated and when the internal cap is not separated from the main body.

Applicant respectfully disagrees. The Specification describes, at page 12 lines 5 through 6 and lines 14 through 21, when the cap 14 is closed, the external surface of the periphery projection 32 of the internal cap 22 slides and contacts the slide contact part 66 of the inner ring 16 and rotates. In such instance, the internal cap 22 is not separated from the container main body 12, and, as shown in FIG. 1, the engaging part 64 engages with the top part of the opening part 18 of the container main body 12. In addition, the Specification describes, at page 12 lines 22 through 23 and page 13 lines 5 through 7 and lines 12 through 23, when the cap 14 is opened, the cap 14 is rotated while the external surface of the periphery projection 32 of the inner ring 16 slides and contacts the slide contact part 66; after which, the cap 14 can be opened and separated from the container main body 12. In this instance, the internal cap 22 is separated from the container main body 12, and the engaging part 64 still engages the container main body 12.

Applicant respectfully submits that the Specification supports "the engaging part engages the main body when the internal cap is separated and when the internal cap is not separated from the main body". Withdrawal of the rejection to claim 1 is respectfully requested.

With respect to claim 2, the Examiner asserts, at page 2 of the office action, it is unclear how the elastic concave and convex structure is provided at the periphery projection

and slide contact part when it appears to be above the periphery projection and slide contact part. The Applicant has added the limitation of "a contact part of the slide contact part of the inner ring and the periphery projection of the internal cap are formed by an elastic body having a concave and convex structure" into claim 2 by amendment based on the description at, for example, page 14 lines 5 through 9.

The Examiner also asserts, at page 2 of the office action, it is unclear what is sliding and contacting. The Applicant has added the limitation of "an external surface of the periphery projection slides and contacts the slide contact part by rotating the external cap in the opening direction" into claim 2 by amendment based on the description at, for example, page 12 lines 14 through 18 and page 13 lines 12 through 15.

The Applicant respectfully submits that these amendments to claim 2 render the indefiniteness rejection of claim 2 moot.

Thus, withdrawal of the rejection of claim 2 is respectfully requested.

Rejection of claim 1 under 35 USC 102(b)

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Grau (US 3,944,102). The Applicant has amended claim 1 so as to add "the internal cap includes a periphery projection provided on an internal surface of a top wall so as to be formed downward" and replace "the internal cap is rotated with the external cap while the internal cap slides and contacts the slide contact part by rotating the external cap" with "the internal cap is rotated with the external cap while the periphery projection slides and contacts the slide contact part by rotating the external cap". The claim amendment is supported at, for example, page 9 lines 25 through 28, page 13 lines 12 through 15, as well as original claim 2.

In the cited art Grau, as shown in FIG. 1, the lower surface of the crown 26 of the inner cap 14 contacts a part indicated as the slide contact in a drawing at page 4 of the office action. On the other hand, in the invention of amended claim 1, the periphery projection is provided on an internal surface of a top wall so as to be formed downward and the periphery projection slides and contacts the slide contact part. The cited art Grau does not disclose or suggest the above-mentioned periphery projection of amended claim 1.

Thus, Grau does not disclose each and every limitation found in amended claim 1, and the rejection based on anticipation is improper and should be withdrawn. For at least the

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foregoing reason, it is respectfully requested that the rejection of independent claim 1 be withdrawn and that the claims be allowed.

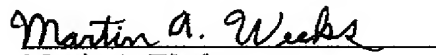
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Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees, including additional claims fees, to Deposit Account No. 50-4424.

Respectfully submitted,


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